



## Flathead County Planning & Zoning

1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210

### **PETITION FOR ZONING AMENDMENT**



*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$** 2327<sup>50</sup>

#### **APPLICANT/OWNER:**

1. Name: Strickland, Endresen & Fraser Phone: 752-2881
2. Mail Address: 690 N. Meridian, Suite 103
3. City/State/Zip: Kalispell, MT. 59901
4. Interest in property: Owners

**Check which applies:** ☒ Map Amendment ☐ Text Amendment:

#### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: Michael W. Fraser Phone: 253-4326  
Mailing Address: 690 N. Meridian, Ste 103  
City, State, Zip: Kalispell, MT. 59901  
Email: mfraser@montanasky.net

#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed zoning text/map amendment?

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#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:**

- A. Address of the property: 207, 219, 231 and 243 Eastview Drive
- B. Legal Description: Parcel 2 & 3 COS 12128 & Parcel 2 & 4 COS 11199  
(Lot/Block of Subdivision or Tract #)
- 10 - T28N - R22W  
Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: 42.52
- D. Zoning District: West Valley Overlay
- E. The present zoning of the above property is: SAQ-10
- F. The proposed zoning of the above property is: SAG-5

- G. State the changed or changing conditions that make the proposed amendment necessary:  
This area is transitioning from large agricultural tracts to smaller suburban agricultural.  
SAG-5 is consistent with the WVO goals and objectives. Soils in this parcel are not  
Capability Classes I, II, III or IV. This request is responsive to the physical conditions area  
and changing character of the West Valley.

**THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. BELOW ARE DETAILED RESPONSES AND EXPLANATIONS FOR EACH CRITERIA FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD AND COMMISSIONERS.**

1. Is the proposed amendment in accordance with the Growth Policy/ Neighborhood Plan?

*The West Valley Neighborhood Plan was adopted by the Flathead County Commissioners on April 9, 1997. Flathead adopted a Growth Policy on March 19, 2007. The Growth Policy adopted the West Valley Plan.*

*The plan has been implemented in the Zoning Regulations as the WV West Valley.*

*The subject 42.52 acres was zoned as part of the West Valley plan, SAG-10 and is presumed to be in conformance with the Neighborhood Plan. Density Performance Standards establish four criteria for a 10 acre density:*

- A. Average slope of any proposed lot shall be less than 25%.*
- B. No more than 35% of the lot area shall have soils with Capability Classes I, II, III or IV.*
- C. All lots shall be located within a rural fire district.*
- D. A portion of each lot shall be located within 1,500 feet of a road maintained by the County and have access to and use of said road.*

*When zoned the 10 acre parcels did not strictly conform to the performance criteria.*

- A. Portions of Parcel 2 and 3 of COS 12128 have slopes in excess of 25%. Each parcel has not less than 6 acres with slopes less than 15%. The other parcels conform to the slope requirement.*
- B. Approximately 35% of Parcel 3 of COS 11199 is shown as soils Capability I, II, III or IV. Parcels 2 and 3 of COS 12128 have no such soils and Parcel 2 of COS 11199 have a very small amount. A care full evaluation of the parcels shown with soils of Capability I, II, III or IV, indicates the areas have never been cultivated due to poorer soils and a greater percentage of stones and are not truly within Capability I, II, III, or IV.*
- C. All the area in question is within the West Valley Rural Fire District.*
- D. None of the parcels are located within 1500 feet of a County maintained road and have access to the road. Three Mile Drive fronts a 60 foot wide portion*



*of the property. None of the parcels access Three Mile Drive. All lots front on an existing road on the west boundary of the parcels which has been constructed to County Standards for a gravel road.*

*SAG-5 zoning would allow smaller parcel sizes. The smaller parcels will substantially comply with the performance criteria of the plan. Below is a narrative demonstrating compliance with the performance criteria.*

- A. Each Parcel has adequate area to designate a specific envelope for development with slopes less than 15%. The designated envelope would be approximately one acre per lot. All area not designated for development, regardless of slope or soils would be left undisturbed. Even though the southerly 2/3 of the property has slopes less than 15% the same requirement for a designated development area and preservation of the remainder would be applied.*
- B. All lots are located within the West Valley Fire District.*
- C. No more than 20% of the lot area shall have soils with Capability Classes I, II, III or IV. It does not appear any of the property is within the capability classes referenced. None of the property has been cultivated and from the limited excavation appears to be have a greater percentage of stones and fine silts.*
- D. No more than 25% of the lot area shall be within the 100 year flood plain. There are no flood plains, wetlands, rivers, lakes or any combination thereof on the lots. A portion of each lot must be within 300 feet of a road maintained by the County and have access to and use said road. A 60 foot wide dedicated private road would be provided in subdivision along with an approved road users association to maintain the road. Without subdivision the access road to the four parcels could have been graveled. When subdivided the road will have to be paved which will eliminate all dust. The access road will be constructed and maintained to County Standards without any cost to the tax payers of the County.*

*2. Is the proposed amendment designed to:*

- a. Secure safety from fire and other dangers. The site is vegetated with native grasses and scattered trees, primarily pine and fir. The area is not within any wildfire hazard area. Other dangers can occur from steep slopes, flood plains or other similar natural features and events. None of these are present on the property. Slopes in areas exceed 25% but there no slumps or slides. No development, either residential or construction can occur in these locations without proper engineering.*
- b. Promote public health, public safety and the general welfare. The property is currently zoned SAG-10 and has four ten acre parcels. Each could be developed without any consideration to Flathead County Development Code. If amended to SAG-5 any of the parcels could be subdivided to five acre*



- parcels. The subdivision process, Flathead County development Code, would address in detail the health, safety and general welfare of the proposal*
- c. *Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements. The addition of possibly four tracts with residences would increase traffic on Three Mile Drive by 40 vehicle trips per day. Three Mile Drive is a collector and is currently operating with significant reserve capacity. The possible addition of 40 vehicle trips per day would not impact Three Mile Drive. The interior road would be constructed to County standards and provide adequate local access without any cost to the County. Flathead County has permitted the approach and during subdivision the approach would have to be updated for the intended use. Water, sewerage and storm drainage would be addressed in subdivision by the Montana Department of Environmental Quality. Any additional lot creation would only be approved if adequate water, sewerage and storm drainage was provided. The property is located in the West Valley School District. An SAG-5 zone would possibly double the number of children from the property from two to four, based on an average family size of 2.5 people. If the age distribution is even, then West Valley could expect one student in the primary and middle school. The high school district could also expect one student. West Valley is nearly at capacity and the addition of two students could be problematic. There is adequate capacity in the High School District. Further evaluation would occur as a part of the subdivision process. Five acre parcels are not required to provide park land. The consideration of limiting the area of disturbance will further enhance the provision of open space.*

3. Does the proposed amendment consider:

- a. *The reasonable provision of adequate light and air? The nature of the surrounding area is evolving from larger agricultural tracts to suburban agricultural. Within at least 21 parcels or lots five acres or less in size. The amendment would allow a minimum lot size of five acres, a size consistent with the area. Reasonable provision of light and air is based on density, the possible density is consistent with the area.*
- b. *The effect on motorized and non motorized transportation systems? The possible addition of 40 vehicle trips per day is a very small amount in comparison to the capacity of Three Mile Drive, effect will be small. Sight distance at the approach is excellent and the access will be stop controlled. Impact on traffic safety should be minimal. The lot width fronting Three Mile is 80 feet non- motorized transportation will be promoted in subdivision by the granting of an easement for a bike pedestrian path along Three Mile Drive.*
- c. *Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around the municipalities? The subject property is over ½ mile from the boundary of the Kalispell north of Three Mile Drive and ¾ mile south of Three Mile Drive. Kalispell Growth Policy map shows the area with the 15 year urban growth limits. Primarily because of topography the subject property would probably not develop at urban densities.*


- d. The character of the district and its peculiar suitability for the particular uses? *The primary difference between the SAG-10 and SAG-5 is lot size and the possibility of a ten acre parcel supporting agricultural or ranch activities and stables. The land and location do not appear conducive to these uses. In fact the site and surrounding uses are more supportive of the SAG-5 zone and permitted uses.*
- e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area? *The area is developing with more residential homes on small acreages. Placing four more lots in an area which is not agriculturally productive will possibly preserve other more productive lands for agricultural uses.*

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*The signing of this application signifies approval for the Flathead County Planning and Zoning staff to be present on the property for routine monitoring and inspection during approval process.*

  
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Owner/ Applicant

3-16-10  
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Date

  
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Owner/ Applicant

12-3-10  
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Date

MAR 16 2010